

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 13, 2007

DIVISION TWO

B183817 Fajima Bedran, et al. (Not for Publication)

v.

American Express Travel Related Services Company, Inc.
Franklin De Julius, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

B187000 Washington, et al. (Not for Publication)

v.

Drummond, et al.

The order of dismissal with prejudice is affirmed. Defendants to recover their costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

March 13, 2007 (Continued)

DIVISION TWO (Continued)

B189581 Niaz (Not for Publication)
v.
Avedissian

The judgment is reversed. Appellant(s) to recover costs.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B193722 People (Not for Publication)
v.
Garay

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B190255	People v. Garcia
B192535	People v. Luttrell
B189657	People v. Drake

Argument waived, cause submitted.

DIVISION THREE (Continued)

B186672 Mansdorf
 v.
 Mansdorf, et al.

Merits:
Argued by Paul Pearlson for appellant and by Douglas Benedon for respondents. Cause submitted.

B189809 Preciado
 v.
 Sysco Food Services of Los Angeles, Inc.

Merits:
Argued by Lloyd Ownbey, Jr. for appellant and by Jennifer Zargarof for respondent. Cause submitted.

B191293 Dacanay, et al.
 v.
 Beckmann

Merits:
Argued by Steven Freeburg for appellant and by Anne M. Huarte for respondents. Cause submitted.

B190545 Coalition to Save the Marina, et al.
 v.
 County of Los Angeles, et al.

Merits:
Argued by Richard Fine for appellants and by Robert A. Muhlbach and Elaine Lemke, Deputy County Counsel for respondents. Cause submitted.

Court recessed at 10:53 a.m.

March 13, 2007 (Continued)

DIVISION THREE (Continued)

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B195819 Esmeralda B., v. S.C.L.A.

Argument waived, cause submitted.

B187200 People
 v.
 Falcon

Merits:

Argued by Diana Teran for appellant and by Robert M. Snider, Deputy Attorney General for respondent. Cause submitted.

B189158 Frontier Oil Corporation, et al.
 v.
 RLI Insurance Company

Merits:

Argued by Kirk A. Pasich for appellants and by Michael Prough for respondent. Cause submitted.

Court adjourned.

DIVISION THREE (Continued)

B187206 Robert P. Heiman et al (Not for Publication)

v.

Workers Compensation Appeals Board

Freddy Aguilera, Respondent

Hruby and Pegasus were dual employers of Aguilera that are jointly and severally liable for workers' compensation under the Labor Code. Pegasus was also the agent of the Association, which was a separate legal entity that is liable for workers' compensation as the principal. Pegasus and the Association were not owners or exempt employers under sections 3351(d) and 3352(h). The WCAB's decision awards Aguilera workers' compensation to be paid solely by Pegasus. We reject that limited conclusion and hold that Hruby is jointly and severely liable with Pegasus and the Association is also liable as Pegasus' principle. To the extent that WCAB's decision is inconsistent with our conclusion, it is annulled. The award will otherwise be affirmed. The decision of the WCAB is affirmed in part and annulled in part, and the matter is remanded for further proceedings consistent with this opinion.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

DIVISION FIVE

B191670 Lan An (Not for Publication)

v.

Trade Union International, Inc.

The judgment is affirmed. Each party to bear their own costs.

Kriegler, J.

We concur: Turner, P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B191042 Bryan Dattilo (Not for Publication)
 v.
 Brett McCartney

The judgment is affirmed. No costs are awarded.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B189224 People (Not for Publication)
 v.
 Robert Valle

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B187271 Miracle Mile, Inc. (Not for Publication)
 v.
 Gary Digirolamo

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION SIX

B192629 People (Not for Publication)

V.

James

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.

Coffee, J.

DIVISION SEVEN

B191072 People (Not for Publication)

V.

Alexander K.

The maximum term of confinement is reduced from six years to five years eight months. As modified, the order is affirmed.

Zelon, J.

We concur: Perluss, P.J.

Woods, J.

B185062 People (Not for Publication)

V.

Stevenson

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.

Zelon, J.

DIVISION EIGHT

B188740 Simon Marketing et al., (Not for Publication)

v.

Gulf Insurance Company et al.,

The judgment is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

B193259 Rong Sheng, Inc., (Not for Publication)

v.

Yang,

The judgment is affirmed. Rong Sheng is to recover its costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B193817 Scott Pontiac GMC (Not for Publication)

v.

Workers Compensation Appeals Board

Olsen, Respondent

We annul the Board's orders after consideration.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

DIVISION EIGHT (Continued)

B188848 Castillo (Not for Publication)

V.

City of Los Angeles

The judgment of dismissal is reversed and the matter is remanded with instructions to allow appellant to amend her complaint. Each party is to bear its own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.

Flier, J.

B190792 People (Not for Publication)

V.

Ruben F.,

In re Ruben F., a Person Coming Under the Juvenile Court Law.

The judgment of the trial court that appellant unlawfully possessed a concealable firearm is affirmed. The trial court is directed to strike the criminal street gang enhancement.

Cooper, P.J.

We concur: Boland, J.

Flier, J.

March 13, 2007 (Continued)

DIVISION EIGHT (Continued)

B188829 Gonzalez (Not for Publication)
v.
Autoliv ASP, Inc.,

The judgment is reversed. The trial court is directed to enter an order granting Autoliv's motion for summary adjudication of Gonzalez's causes of action for negligent products liability and breach of express or implied warranties. Gonzalez is entitled to costs.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.